

10/594962

IAP2 Rec'd PCT/PTO 29 SEP 2006

ATTORNEY DOCKET NO. 042715-5023

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Tomoki TODO, et al. )  
Application No.: Unassigned ) Group Art Unit: Unassigned  
Filed: September 29, 2006 ) Examiner: Unassigned  
For: METHOD FOR CONSTRUCTION RECOMBINANT HERPES SIMPLEX VIRUS

Commissioner for Patents  
**MAIL STOP PATENT APPLICATION**

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants brings to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

A copy of each listed document is attached. Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form..

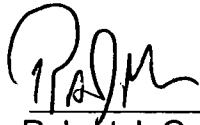
10/594962  
IAP2 Rec'd PCT/PTO 29 SEP 2006

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



Robert J. Goodell, Reg. No. 41,040

Date: September 29, 2006

**MORGAN, LEWIS & BOCKIUS LLP**  
**1111 Pennsylvania Avenue, N.W.**  
**Washington, D.C. 20004**  
**(202) 739-3000**

10/594962

IAP2 Rec'd PCT/PTO 29 SEP 2006

<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)		Attorney Docket No. 042715-5023	Serial No. <del>Unassigned</del>
PTO Form 1449		Applicants Todo, et al.	
		Filing Date September 29, 2006	Group 1632 <del>Unassigned</del>

**U.S. PATENT DOCUMENTS**

*Examiner Initial	Document Number	Date	Name	Class	Sub Class	Filing Date
/JH/	US 2002-0187163	December 12, 2002	Johnson, et al.			March 27, 2002

**FOREIGN PATENT DOCUMENTS**

		Document Number	Date	Country	Class	Sub Class	Translation YES	NO

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

/JH/	Martuza, et al.; Experimental Therapy of Human Glioma by Means of a Genetically Engineered Virus Mutant; 10 May 1991; Science, Vol. 252; pages 854-856
	Chahlavi, et al.; Replication-Competent Herpes Simplex Virus Vector G207 and Cisplatin Combination Therapy for Head and Neck Squamous Cell Carcinoma; Neoplasia, Vol 1, No. 2; June 1999; pages 162-169
	Hunter, et al.; Attenuated, Replication-Competent Herpes Simplex Virus Type 1 Mutant G207: Safety Evaluation of Intracerebral Injection in Nonhuman Primates; Journal of Virology, Vol. 73, No. 8, Aug. 1999; pages 6319-6326
	Chahlavi, et al.; Effect of Prior Exposure to Herpes Simplex Virus 1 on Viral Vector-Medicated Tumor Therapy in Immunocompetent Mice; Gene Therapy 6, 1999, , pages 1751-1758
	Nakamura, et al.; Glial Expression of Fibroblast Growth Factor-9 in Rat Central Nervous System; GLIA 28; 1999, pages 53-65
	Todo, et al.; Systemic Antitumor Immunity in Experimental Brain Tumor Therapy Using a Multimutated, replication-Competent Herpes Simplex Virus; Human Gene Therapy, Vol. 10; November 20, 1999; pages 2741-2755
	Todo, e al.; Corticosteroid Administration Does not Affect Viral Oncolytic Activity, but Inhibits Antitumor Immunity in Replication Competent Herpes Simplex Virus Tumor Therapy; Human Gene Therapy, Vol. 10; November 20, 1999; pages 2869-2878
↓	Todo, et al.; Evaluation of Ganciclovir-Mediated Enhancement of the Antitumoral Effect in Oncolytic, Multimutated Herpes Simplex Virus Type 1(G207) Therapy of Brain Tumors; Cancer General Therapy, Vol. 7, No. 6, 2000; pages 939-946

Examiner	Date Considered
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

10/594962

IAP2 Rec'd PCT/PTO 29 SEP 2006

<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)		Attorney Docket No. 042715-5023	Serial No. Unassigned
PTO Form 1449		Applicants Todo, et al.	
		Filing Date September 29, 2006	Group Unassigned

**U.S. PATENT DOCUMENTS**

*Examiner Initial		Document Number	Date	Name	Class	Sub Class	Filing Date

**FOREIGN PATENT DOCUMENTS**

		Document Number	Date	Country	Class	Sub Class	Translation YES	NO

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

/JH/	Markert, et al.; Conditionally replicating Herpes Simplex Virus Mutant, G207 for the treatment of malignant Glioma: results of phase 1 Trial; Gene Therapy, Vol. 7; 2000; pages 867-874
	Toda, et al.; Viral Shedding and Biodistribution of G207, a Multimutated, Conditionally Replicating Herpes Simplex Virus Type 1, After Intracerebral Inoculation in Aotus; Molecular Therapy, Vol. 2, No. 6, pages 588-595
	Nakano, et al.; Therapeutic Efficacy of G207, a Conditionally Replicating herpes Simplex Virus Type 1 Mutant, for Gallbladder Carcinoma in Immunocompetent Hamsters; Molecular Therapy, Vol. 3, No. 4, April 2001
	Varghese, et al., Preclinical Safety Evaluation of G207, a Replication Competent Herpes Simplex Virus Type 1, Inoculated Intraprostatically in Mice and Nonhuman Primates; Human Gene Therapy, Vol. 12; May 20, 2001; pages 999-1010
	Jorgensen, et al.; Ionizing Radiation Does Not Alter the Antitumor Activity of Herpes Simplex Virus Vector G207 in Subcutaneous Tumor Models of Human and Murine Prostate Cancer; Neoplasia, Vol. 3, No. 5; 2001; pages 451-456
	Todo, et al.; Oncolytic Herpes Simplex Virus (G207) Therapy From Basic to Clinical; Tumor Supressing Viruses, Genes, and Drugs-Innovative Cancer Therapy Approaches; 2001; pages 45-75
	Todo, et al.; Oncolytic Herpes Simplex Virus Vector With Enhanced MHC Class 1 presentation and Tumor Cell Killing; pro. natl. Acad. Sci. USA, 2001, vol. 92, pages 6396-6401
	Todo, et al.; Herpes Simplex Virus as an in Situ Cancer Vaccine for the Induction of Specific Anti-Tumor Immunity; Human Gene Therapy, Vol. 10, February 10, 1999; Pages 385-393
	Todo, et al.; In Situ Expression of Soluble B7-a in the Context of Oncolytic Herpes Simplex Virus Induces Potent Antitumor Immunity; Cancer Research, Vol. 61; January 1, 2001, pages 153-161
	Todo, et al.; In Situ Cancer Vaccination: An IL-12 Defective Vector/Replication-Competent Herpes Simplex Virus Combination Induces Local And Systemic Antitumor Activity; The Journal of Immunology, Vol. 160; 1998; pages 4457-4464
	Saeki, et al.; Development of a rapid method to produce series of oncolytic HSV-1 vectors, Molecular Therapy, Vol. 3, No. 5, 2001; pages 45-46
↓	Lauth, et al.; Stable and efficient cassette exchange under non-selectable conditions by combined use of two site-specific recombinases; Nucleic Acids Research Vol. 30, No. 21, 2002; e115

Examiner	/Joanne Hama/	Date Considered	07/18/2008
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			